

Appl. No. 10/780,714
Amendment dated: February 23, 2007
Reply to OA of: October 23, 2006

REMARKS

Applicants have amended the claims to more particularly define the invention taking into consideration the outstanding Official Action. Applicants note with appreciation the Examiner's indication of allowable subject matter. It is stated that claims 2, 3, 9, 10, 12 and 14 would be allowable if rewritten or amended to overcome the objections and 35 U.S.C. 112, second paragraph, rejections set forth in the outstanding Official Action. Applicants have amended the claims to overcome the objections and 112 rejections in accordance with the Examiner's helpful suggestions.

The objection to claim 15 under 35 U.S.C. 112, second paragraph as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims has been carefully considered but is most respectfully traversed. Claim 1 has been amended to include all of the limitations of claim 15 which now makes claim 1 an allowable claim. Claim 15 has been canceled from the present application in view of the redundancy of the claim. Accordingly, it is most respectfully requested that this objection be withdrawn.

The objection to claims 2-3, 9, 12 and 14 because of the following informalities: With respect to claim 2, lines 4-5 recite, "diameters range from about 50 μm to about μm " wherein there is no lower range for the diameters and to claims 3, 9, 12 and 14 based upon their dependency upon claim 2 has been carefully considered but is most respectfully traversed in view of the amendments to claims. Applicants have corrected the obvious typographical error by amending claim 2 to recite "diameters range from about 50 μm to about 1 μm ". Accordingly, it is most respectfully requested that this objections be withdrawn.

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The rejection of claims 1-3 and 5-20 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention has been carefully considered but is most respectfully traversed in view of the amendments to the claims. It is urged that claims 1, 2 and 5, the limitation "size" renders the claim indefinite because it is unclear as to what boundary the limitations is defining. It is further urged that claims 3 and 6-20 are rejected based upon their dependency upon claims 1, 2 and 5. Applicants have amended claims 1, 2 and 5 by deleting the term "size" and adding the term "diameter" to more particularly point out and distinctly claim the subject matter which Applicants regard as the invention (see page 29, lines 8-10 "the carbon substance included one or more base structures 10 of a **diameter** ranging from about 1 to 100 μm "). This amendment is believed to be consistent with the Examiner's interpretation of size as thickness as set forth on page 2 of the Official Action and is clearly supported by the specification as originally filed. Accordingly, it is most respectfully requested that this rejection be withdrawn.

Applicants most respectfully submit that all of the claims now present in the application are in full compliance with 35 USC 112 and clearly patentable over the references of record.

The rejection of claims 1 and 8 under 35 U.S.C. 102(b) as being anticipated by Xu has been carefully considered but is most respectfully traversed in view of the amendments to the claims including the addition of the allowable limitation from canceled and allowable claim 15 to claim 1. Claim 8 is now dependent on allowable claim 1. Accordingly, it is most respectfully requested that this rejection be withdrawn.

The rejection of claims 5, 16, 17 and 20 under 35 U.S.C. 103(a) as being unpatentable over Xu and further in view of Nettleton has been carefully considered but is most respectfully traversed in view of the amendments to the claims. Furthermore,

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claim 5 has been amended to include the allowable limitation of claim 2. The Examiner indicated that prior art does not teach or suggest the carbon substance wherein at least parts of the line-shaped bodies connect two or more separate structures, which is recited in claim 2. Applicants have amended claim 5 to include the above limitation, and therefore it is believed that claim 5 is also allowable. The remaining rejected claims are dependent on now allowable claim 5. Accordingly, it is most respectfully requested that this rejection be withdrawn.

The rejection of claim 11 under 35 U.S.C. 103(a) as being unpatentable over Xu as applied to claim 1 above and further in view of Smalley has been carefully considered but is most respectfully traversed in view of the amendments to the claims which places claim 1 in condition for allowance. Accordingly, it is most respectfully requested that this rejection be withdrawn.

The rejection of claim 18 under 35 U.S.C. 103(a) as being unpatentable over Xu and Nettleton as applied to claim 5 above and further in view of Smalley has been carefully considered but is most respectfully traversed in view of the amendments to the claims. Claim 5 has been amended to be placed in condition for allowance therefore placing claim 18, which depends on claim 5 in condition for allowance. Accordingly, it is most respectfully requested that this rejection be withdrawn.

The rejection of claim 13 under 35 U.S.C. 103(a) as being unpatentable over Xu as applied to claim 1 above and further in view of Muroyama has been carefully considered but is most respectfully traversed in view of the amendments to the claims as claim 1 is now in condition for allowance. Accordingly, it is most respectfully requested that this rejection be withdrawn.

The rejection of claim 19 under 35 U.S.C. 103(a) as being unpatentable over Xu and Nettleton as applied to claim 5 above and further in view of Muroyama has been carefully considered but is most respectfully traversed in view of the amendments to the

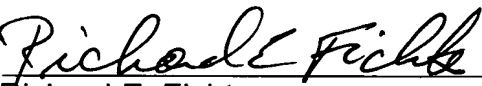
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claims.

In view of the above comments and further amendments to the claims, favorable reconsideration and allowance of all the claims now present in the application are most respectfully requested.

Respectfully submitted,

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